## **United States Department of Labor Employees' Compensation Appeals Board**

	)	
J.G., Appellant	)	
_	)	
and	)	<b>Docket No. 21-0973</b>
	)	Issued: July 26, 2021
DEPARTMENT OF HOMELAND SECURITY,	)	
U.S. COAST GUARD INVESTIGATIVE	)	
SERVICE, Washington, DC, Employer	)	
	)	
Appearances:	(	Case Submitted on the Record
Appellant, pro se		
Office of Solicitor, for the Director		

## ORDER DISMISSING APPEAL

## Before:

JANICE B. ASKIN, Judge
PATRICIA H. FITZGERALD, Alternate Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On June 8, 2021 appellant filed an appeal from a December 3, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-0973.

The Board has duly considered the matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>2</sup> For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.<sup>3</sup>

The 180<sup>th</sup> day following the December 3, 2020 decision was June 1, 2021. As appellant did not file an appeal with the Board until June 8, 2021, more than 180 days after the December 3,

<sup>&</sup>lt;sup>1</sup> The Board notes that appellant's AB-1 Form notes that he is requesting an appeal from a June 2, 2021 decision. There is no final adverse decision of that date contained in the case record. The last OWCP decision of record is dated December 3, 2020.

<sup>&</sup>lt;sup>2</sup> 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a) (2009).

<sup>&</sup>lt;sup>3</sup> *Id.* at § 501.3(e).

2020 OWCP decision, the Board finds that the appeal docketed as No. 21-0973 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered a reason to explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances.

The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance."

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-0973 is dismissed.

Issued: July 26, 2021 Washington, DC

> Janice B. Askin, Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board

> Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board

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<sup>&</sup>lt;sup>4</sup> *Id.* at § 501.6(d).